



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a Resolution Establishing the Cost Recovery Fee Schedule for Annual Permits to Operate with Regards to Fire and Life Safety Inspection Services Established by City Ordinance 1808

MEETING DATE: January 5, 2011

PREPARED BY: Fire Chief Kevin Donnelly

RECOMMENDED ACTION: Adopt a resolution establishing the Cost Recovery Fee Schedule for annual permits to operate with regards to fire and life safety inspection services established by City Ordinance 1808.

BACKGROUND INFORMATION: This resolution provides for the recovery of costs associated with providing services in conjunction with issuing of Fire Operational Permits.

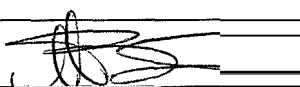
The City of Lodi Fire Department is responsible for enforcing applicable codes pertaining to fire and life safety and other regulations promulgated by the State Fire Marshal. As a result, the department incurs costs and expends resources conducting fire prevention services that are of a recurrent nature and the result of discretionary development. Operational Permits issued as outlined in the Fire Code are for business operations that are considered to be of a higher fire or health risk.

The City has an established policy to recover the cost of providing special services of a voluntary or limited nature, such that General Fund monies do not subsidize these activities. The Fire Department is authorized to adopt fees sufficient to pay the cost of providing these services to the general public pursuant to California Health and Safety Code and Lodi Municipal Code 15.20.040.

The fees and service charges set forth in the City of Lodi Fee Study and Master Fee Schedule provide a mechanism for ensuring fees adopted by the City do not exceed the reasonable estimated cost of providing the services. The Operational Permit Fee Schedule was developed utilizing these established hourly costs for initial plan review and inspection service provided at the time of permitting.

Fees will be collected initially when an applicant receives the authority to connect or has a project in the plan review and inspection process, as well as annually in conjunction with a fire and life safety inspection program. The proposed fees are set forth in the Operation Permit Fee Schedule (Exhibit A).

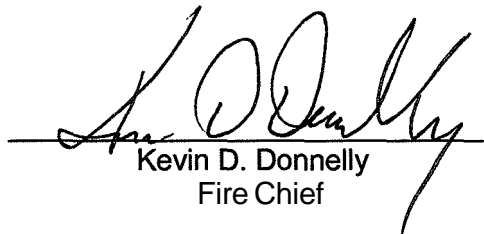
APPROVED: _____


Konradt Bartlam, City Manager

Adopt a Resolution Establishing
the Cost Recovery Fee Schedule
for Annual Permits to Operate
with Regards to Fire and Life
Safety Inspection Services
Established by City Ordinance 1808
January 5, 2011
Page 2

FISCAL IMPACT: It is anticipated that there would be a slight increase of approximately \$3,500 in the revenues collected during the first year and growing at approximately the same amount each year for several years.

FUNDING AVAILABLE: No additional funding required.



Kevin D. Donnelly
Fire Chief

KDD/lh

Attachments

cc: City Attorney

RESOLUTION NO. 2011-04

A RESOLUTION OF THE CITY OF LODI ESTABLISHING
A FEE SCHEDULE FOR ANNUAL PERMITS TO
OPERATE WITH REGARD TO FIRE AND LIFE SAFETY
INSPECTION SERVICES PROVIDED BY THE CITY OF
LODI FIRE DEPARTMENT

WHEREAS, the City of Lodi Fire Department is charged with the responsibility of enforcing applicable codes pertaining to fire and life safety and other regulations promulgated by the State Fire Marshal pursuant to California Health and Safety Code Section 13146 and California Fire Code Section 104; and

WHEREAS, the City of Lodi incurs costs and expends resources when fire prevention services are of a recurrent nature and the result of discretionary development; and

WHEREAS, the City desires to establish a policy to recover the cost of providing special services of a voluntary or limited nature, such that general fund monies are not diverted from general services of a broad nature, and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, the City, pursuant to California Health and Safety Code Sections 13146.2(b), 13217(b), and 17951, and California Government Code Sections 6062(a), 6103.7, 66016, 66017, and 66018, and California Fire Code Section 105 is authorized to adopt fees sufficient to pay the cost of providing these services to the general public following proper notice and a public hearing; and

WHEREAS, the City Council of the City of Lodi has adopted Ordinance No. 1808, repealing and re-enacting Chapter 15.20 (Fire Code) of the Lodi Municipal Code, which authorizes in Section 15.20.040 the City to establish fees sufficient to recover its costs in administering the Fire Code, subject to adoption of an implementing resolution of the City Council; and

WHEREAS, the analysis of fees and service charges set forth in the City of Lodi Fee Study and Master Fee Schedule provide a mechanism for ensuring fees adopted by the City for services rendered do not exceed the reasonable estimated cost of providing the services for which the fees are charged; and

WHEREAS, the fees and service charges set forth in the Master Fee Schedule bear a fair and reasonable relationship to the City's costs in administering the Fire Code; and

WHEREAS, adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.) because it approves and sets forth a procedure for determining fees for the purpose of meeting certain operating expenses of the City; and

WHEREAS, the public hearing required by Government Code Sections 66013-66018 to adopt new fees for fire code permits and inspections was duly noticed and held on November 3, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does find and resolve as follows:

1. The recitals set forth above are true and correct.
2. The fees and service charges set forth in the Operation Permit Fee Schedule (Exhibit A) are hereby implemented.
3. The fees and service charges set forth in the Operational Permit Fee Schedule are to be uniformly applied and collected for services provided by the Lodi Fire Department or its designated contractor(s). Fees and service charges for special services of a voluntary or limited nature shall not exceed the actual cost incurred by the City in providing the special service.
4. Fees and service charges set forth in the Operational Permit Fee Schedule are for each identified service; additional fees and service charges shall be required for each additional service requested or required.
5. The Fire Chief of the City of Lodi is hereby delegated the authority to create administrative, fee-collection, and financial procedures as necessary to implement the Operational Permit Fee Schedule consistent with the policies set forth in this Resolution.
6. The appropriate fee(s) under the Operational Permit Fee Schedule shall be paid at the time of application submittal for: a) permits to operate, b) new development and tenant improvement plan checks/inspections, c) annual fire and life safety inspections. In the event fees are not paid at the time of application submittal or upon request for additional fees, the City shall not be obligated to process, approve, or take further action on permits, plan checks/inspections, fire and life safety inspections, or other services and products listed in the Fee Schedule until such time as the appropriate fees are paid to the City.
7. No permit or approval shall be issued by the City unless applicant's project is in compliance with applicable City and state laws and fees required are paid in full. Payment of fees by applicant shall not be construed as any waiver of the City's right to enforce compliance with fire and life safety standards, statutes, ordinances, or regulations through any means authorized by applicable law.
8. At regular intervals the Fire Chief shall review the Operational Permit Fee Schedule to ensure that fees and service charges continue to bear a fair and reasonable relationship to the City's costs in administering the Fire Code.

9. The Fire Chief shall propose modifications to the Operational Permit Fee Schedule to the City Council in the form of a resolution. In proposing modifications to the Fee Schedule, the Fire Chief shall consider only the standards, criteria, and procedures established by this Resolution and applicable state law. The Fire Chief may also adjust the type of services offered if, in the judgment of the Fire Chief, equity requires such adjustment.
10. Fee adjustments to the Operational Fee Schedule proposed by the Fire Chief may be increased by resolution of the City Council in amounts determined reasonable and necessary when budget and workload analysis supports such increases.
11. The Master Fee Schedule established in this Resolution shall be effective on March 7, 2011, which date is at least sixty (60) days after adoption of this Resolution.

Dated: January 5, 2011

=====

I hereby certify that Resolution No. 2011-04 was passed and adopted by the City Council of the City of Lodi in a regular meeting held on January 5, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and Mayor Johnson

NOES: COUNCIL MEMBERS – Nakanishi

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

(EXHIBIT A)

PERMIT TYPE	PERMIT FEE	ANNUAL INSPECTION FEE
Above/Below Ground Fuel Storage Tank Installation	\$135	\$135/Tank
Above/Below Ground Fuel Tank Removal	\$135	\$135/Tank
Aerosol Products	\$135	\$135
Amusement Buildings	\$135	\$135
Aviation Facilities	\$135	\$135
Carnivals & Fairs	\$135	NA
Cellulose Nitrate Film	\$135	\$135
Christmas Tree Lots	\$135	NA
Combustible Dust-Producing Operations	\$135	\$135
Combustible Fibers	\$135	\$135
Compressed Gases	\$135	\$135
Covered Mall Buildings	\$135	\$135
Cryogenic Fluids	\$135	\$135
Cutting & Welding	\$135	\$135
Dry Cleaning Plants	\$135	\$135
Exhibits and Trade Shows	\$135	\$135
Explosives	\$135	\$135
Fire Hydrants & Valves	\$135	\$135
Flammable & Combustible Liquids	\$135	\$000
Floor Finishing	\$135	NA
Fruit and Crop Ripening	\$135	\$135
Haunted Houses	\$135	NA
Hazardous Materials	\$135	\$135
Hazardous Production Material Facilities	\$135	\$135
High-Piled Storage	\$135	\$135
Hot Work Operations	\$135	\$135
Industrial Ovens	\$135	\$135
Lumber Yards and Woodworking Plants	\$135	\$135
Liquid-or-Gas-Fueled Veh. or Equip. in Assembly Bldgs.	\$135	\$135
LP-Gas	\$135	\$135
Magnesium	\$135	\$135
Miscellaneous Combustible Storage	\$135	\$135
Opening Burning	NA	NA
Open Candles, Flames, and Torches	\$25	NA
Organic Coatings	\$135	\$135
Places of Assembly	\$135	\$135
Private Fire Hydrants	\$135	\$135
Pyrotechnic/Special Effects Displays	\$135	\$135
Pyroxylin Plastics	\$135	\$135
Refrigeration Equipment	\$135	\$135
Repair Garages and Motor Fuel-Dispensing Facilities	\$135	\$135
Rooftop Heliports	\$135	\$135
Special Events	\$135	NA
Spraying or Dipping	\$135	\$135
Storage of Scrap Tires and Tire Byproducts	\$135	\$135
Temporary Membrane Structures, Tents and Canopies	\$135	\$135
Tire-Rebuilding Plants	\$135	\$135
Waste Handling Facilities	\$135	\$135
Wood Products	\$135	\$135